

**REMARKS**

2. Claims 22, 26-28, 44, 66, and 68 have been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Miller (US 5,818,197). This rejection is respectfully traversed.

Regarding Claim 22, the Examiner holds that Matsuda discloses

a charger (**at column 1, lines 60-61**) connected to a personal computer whereby an internal source of power of the computer is used as a power supply for the charger in a charging operation for a rechargeable battery; and further, that

the charger has built into it a charging processing operation program (**no citation**) required for charging of the rechargeable battery, wherein a charging operation is performed by executing the charging processing operation program selected for the rechargeable battery; and further,

a battery holding apparatus (**mobile phone**) which holds at least a single rechargeable battery to be charged; and further,

a display means connected to the personal computer and displaying at least one information (**column 1, lines 40-45**) from the group consisting of the battery to be charged, conditions required for charging the battery to be charged, and past and current charging situations or results of the charging operation (**see paragraph bridging column 1 and 2**); and further,

an input means connected to the computer for inputting information at least about the battery to be charged necessary to execute the charging processing operation program into a controller provided in the personal computer (**see column 1, line 65 to column 2 line 31**).

Applicant responds that Claim 22 is amended herein to more clearly distinguish over the cited prior art. Specifically, the so-called "**charge processing operation program**" cited by the Examiner in Matsuda is only **simple electronic circuitry for recharging a single type of dedicated battery for a mobile phone**. It does not suggest or disclose a programmable charge processing operation program as disclosed and claimed by the inventor having capability for selecting a type of battery to be recharged from a programmed plurality of battery types for which said apparatus is useful for selective recharging, and for selecting, setting, and monitoring conditions required for charging said selected battery type, and for controlling recharging of said selected battery, and now claimed in amended Claim 22.

Note that although Matsuda discloses use of a **control unit 1** comprising a voltage control unit 14, a charge control unit 15, and a protection control switch 13, **the disclosed control unit 1 is not in any way a programmable charge processing operation program as disclosed and claimed by Applicant**. Control unit 15 does not have the capabilities disclosed and claimed for Applicant's programmable charge processing operation program and simply serves as a limiter which stops the supply of an electric voltage or current to a battery installed in a mobile phone when either one of the voltage and temperature of the battery, detected by a suitable sensor, exceeds a predetermined threshold value. **Control unit 15 never serves to change voltage or current to be supplied to the battery with respect to time elapsed and to determine when the battery has reached full charge condition, as defined by the specification at page 33, line 28 through page 34, line 9, and shown in the flowchart at FIG. 10.** Therefore, the simple limiting operation

operated with respect to a single stably-determined threshold as shown in Matsuda is not the operation caused by the charging processing operation program as defined and claimed by the present invention.

Regarding the rejection of Claim 26, the Examiner holds that Matsuda discloses "wherein said charger automatically (see figure 3,307) selects a charging processing operation program having the most suitable charging processing condition...among a plurality of charging processing operation programs stored in said charger utilizing information about the rechargeable battery to be charge and distinguished by said personal computer itself of separate information about the rechargeable batter to be charge which is input into said personal computer by a user utilizing said inputting means (see column 1, line 65 to column 2, line 31)."

Applicant respectfully responds that Matsuda's Figure 3, and the associated specification, does not disclose what is held by the Examiner. Figure 3 displays a flow chart for charging a single battery powered apparatus using a USB cable connected to a computer, as described by Matsuda at column 3, line 34 through column 4, line 15: "FIG. 3 is a flowchart showing processes of the charging function according to the present invention..." Further, at column 5, lines 35-38, Matsuda discloses: "Every apparatus having the battery which can be charged by using power supplied from the USB port of the PC is able to be used as the external apparatus without limiting to a mobile phone." What this means is that any battery-powered apparatus may be substituted for the phone shown and discussed, to be recharged by the simple circuitry disclosed; however, **nowhere does Matsuda suggest, disclose, or claim that the charger "selects a charging processing operation program having the most suitable charging**

**processing condition...among a plurality of charging processing operation programs stored in said charger" as held by the Examiner, not within the referenced column 1, line 65 to column 2, line 31, nor anywhere else in the patent.**

Referring to the rejections of Claims 27,28, these claims depend from amended independent Claim 22 which has been shown to be patentably distinct from the cited prior art. Therefore, discussion of these rejections is moot.

Referring to the rejections of independent Claims 44 and 68, these claims are amended similarly to Claim 22 to recite a programmable charge processing operation program as disclosed and claimed by the inventor having capability for selecting a type of battery to be recharged from a programmed plurality of battery types for which said apparatus is useful for selective recharging, and for selecting, setting, and monitoring conditions required for charging said selected battery type, and for controlling recharging of said selected battery. Applicant believes that such inclusion is sufficient to overcome the rejections of these claims advanced by the Examiner.

Referring to the rejection of Claim 66, this claim depends from amended independent Claim 68 which has been shown to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

Applicant respectfully submits that, for all of these reasons, the rejections of independent Claims 22, 44, 68, and dependent Claims 23-32, 45-61 and 97, and 66-85 and 98 dependent therefrom, under Matsuda in view of Miller, are not supported and therefore should be withdrawn.

3. Claims 23, 45-47, and 69 have been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view

of Miller (US 5,818,197) as applied to Claim 22 above, and further in view of Toyosato (US 6,532,482). This rejection is respectfully traversed.

Regarding Claim 23, this claim depends from independent amended Claim 22 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

Regarding Claims 45-47, these claims depend from independent amended Claim 44 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of these rejections is moot.

Regarding Claim 69, this claim depends from independent amended Claim 68 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

Applicant respectfully submits that, for all of these reasons, the rejections of Claims 23, 45-47, and 69 are not supported and therefore should be withdrawn.

4. Claims 24, 25, and 48-53 have been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Miller (US 5,818,197) as applied to Claim 22 above, and further in view of Singleton (US 6,501,949). This rejection is respectfully traversed.

Regarding Claims 24 and 25, these claims depend from independent amended Claim 22 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of these rejections is moot.

Regarding Claims 48-53, these claims depend from independent amended Claim 44 which has been shown above to be

patentably distinct from the cited prior art. Therefore, discussion of these rejections is moot.

Applicant respectfully submits that, for all of these reasons, the rejections of Claims 24, 25, and 48-53 are not supported and therefore should be withdrawn.

5. Claims 29-33, and 71 have been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Miller (US 5,818,197) as applied to Claim 22 and further in view of Anderson (US 5,982,147). This rejection is respectfully traversed.

Regarding Claims 29-33, these claims depend from independent amended Claim 22 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of these rejections is moot.

Regarding Claim 71, this claim depends from independent amended Claim 68 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

Applicant respectfully submits that, for all of these reasons, the rejections of Claims 29-33, and 71 are not supported and therefore should be withdrawn.

6. Claim 37 has been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Singleton (US 6,501,949) and further in view of Aritome et al. (JP11023678A). This rejection is respectfully traversed.

Referring to the rejection of independent Claim 37, this claim is amended similarly to Claim 22 to recite a programmable charge processing operation program as disclosed and claimed by the inventor having capability for selecting a type of battery

to be recharged from a programmed plurality of battery types for which said apparatus is useful for selective recharging, and for selecting, setting, and monitoring conditions required for charging said selected battery type, and for controlling recharging of said selected battery. Applicant believes that such inclusion is sufficient to overcome the rejections of these claims advanced by the Examiner. Applicant respectfully submits that the rejection of Claim 37 is not supported and therefore should be withdrawn.

7. Claims 38 and 70 have been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Singleton (US 6,501,949) and Aritome et al. (JP11023678A) as applied to Claim 37 above, and further in view of Toyosato (US 6,532,482). This rejection is respectfully traversed.

Regarding Claim 38, this claim depends from independent amended Claim 37 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of these rejections is moot.

Regarding Claim 70, this claim depends from independent amended Claim 68 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

Applicant respectfully submits that, for these reasons, the rejections of Claims 38 and 70 are not supported and therefore should be withdrawn.

8. Claim 35 been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Singleton (US 6,501,949) and Aritome et al. (JP11023678A) as applied to

Claim 37 above, and further in view of Makino et al. (US 6,850,282). This rejection is respectfully traversed.

Claim 35 depends from independent amended Claim 37 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

9. Claim 96 has been rejected under 35 USC § 103(a) as being unpatentable over Matsuda (US 6,211,649) in view of Singleton (US 6,501,949) and further in view of Aritome et al. (JP11023678A) as applied to Claim 37 above, and further in view of Anderson (5,982,147). This rejection is respectfully traversed.

Claim 96 depends from independent amended Claim 37 which has been shown above to be patentably distinct from the cited prior art. Therefore, discussion of this rejection is moot.

**13. Allowable Subject Matter.** Applicant notes that Claims 86-95, and 99-101 have been found allowable. Applicant wishes to broaden slightly the scope of allowed Claims 89 and 90 by depending each from any one of Claims 86-88 rather than from 86 alone, as shown in the Amended List of Claims.

**14.** Applicant notes that Claims 39,40,54-61,71,72,77,85,97, and 98 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant elects not to make such amendment in the present response in the belief that the base claims are now allowable as amended herein. Applicant reserves the right to make such amendment of these dependent claims as may become necessary in any future response. Because such amendment is not



presented herein, no amendment of the title of the invention of  
of the Summary of the Invention and the Abstract is presently  
necessary.

Applicant believes that all pending claims are now  
allowable. Kindly charge the small entity fee for a one-month  
extension of time for this response to deposit account 08-0865.

Respectfully submitted,



Dated: 6/26/06

Neal L. Slifkin  
Registration No. 34,018  
Harris Beach PLLC  
99 Garnsey Road  
Pittsford, New York 14534  
Telephone: (585) 419-8636